



North Dakota State Water Commission

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**Audio Telephone Conference Call Meeting
Governor's Conference Room - Ground Floor
State Capitol
Bismarck, North Dakota**

**August 20, 2013
11:00 A.M., CDT**

AGENDA

- A. Roll Call
- B. Consideration of *Agenda* - *Information pertaining to the agenda items is available on the State Water Commission's website at <http://www.swc.nd.gov>*
- C. ***Southwest Pipeline Project Contract 1-2A, Supplemental Intake*** **
- D. ***Wildlife Services Program*** **
- E. ***N.D. Department of Health, Nonpoint Source Pollution Management Program, Section 319*** **
- F. Other Business
- G. Adjournment

**** BOLD, ITALICIZED ITEMS REQUIRE SWC ACTION**

To provide telephone accessibility to the State Water Commission meeting for those people who are deaf, hard of hearing, deaf and/or blind, and speech disabled, please contact Relay North Dakota, and reference ... TTY-Relay ND ... 1-800-366-6888, or 711.

MINUTES

North Dakota State Water Commission Audio Telephone Conference Call Meeting Bismarck, North Dakota

August 20, 2013

The North Dakota State Water Commission held an audio telephone conference call meeting in the Governor's conference room at the State Capitol, Bismarck, North Dakota, on August 20, 2013. Governor Jack Dalrymple, Chairman, called the meeting to order at 11:00 a.m. and requested Todd Sando, State Engineer, and Chief Engineer-Secretary to the State Water Commission, to call the roll. Governor Dalrymple announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor Jack Dalrymple, Chairman
Doug Goehring, Commissioner, North Dakota Department of Agriculture, Bismarck
Arne Berg, Member from Starkweather
Maurice Foley, Member from Minot
Larry Hanson, Member from Williston
Jack Olin, Member from Dickinson
Robert Thompson, Member from Page
Harley Swenson, Member from Bismarck
Douglas Vosper, Member from Neche

OTHERS PRESENT:

Todd Sando, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck
State Water Commission Staff
Mary Massad, Southwest Water Authority, Dickinson
James Lennington, Project Manager, Bartlett and West/AECOM, Bismarck
Andrea Travnicek, Office of Governor Dalrymple, Bismarck
Jennifer Verleger, Assistant Attorney General, Office of Attorney General, Bismarck

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF AGENDA

The agenda for the August 20, 2013 State Water Commission audio tele-phone conference call meeting was presented; there were no modifications to the agenda.

It was moved by Commissioner Olin, seconded by Commissioner Berg, and unanimously carried, that the agenda be accepted as presented.

SOUTHWEST PIPELINE PROJECT - SUPPLEMENTARY RAW WATER INTAKE CAISSON, INTAKE PIPE, SCREEN - APPROVAL OF STATE FUNDS IN 2013-2015 BIENNIUM (\$12,997,000); AND AWARD OF CONTRACT 2-1A TO JAMES W. FOWLER COMPANY, DALLAS, OR (SWC Project No. 1736-99)

The existing intake for the Southwest Pipeline Project is a shared facility with Basin Electric Power Cooperative (BEPC). The water supply agreement with BEPC allows for a maximum pumping rate of 10,590 gallons per minute. The current water permit for the Southwest Pipeline Project allows for withdrawal of 17,100 acre-feet of water per year at a maximum pumping rate of

10,590 gallons per minute. The total raw water required for the project to meet the projected needs is estimated to be approximately 17,305 gallons per minute. In order to meet the projected peak needs, a supplemental intake, with a minimum capacity of 6,715 gallons per minute is needed.

The supplementary intake contract is divided into two phases. Contract 1-2A includes the design and construction of the caisson, intake pipe, screen, and diver services. The scope of work for Contract 1-2A generally consists of the design and construction of a vertical concrete caisson or wet well approximately 151 feet in depth, installation of approximately 2,800 feet of 30-inch maximum outside diameter horizontal directionally drilled, or micro-tunneled intake pipe, installation of a pile supported screen structure, associated diver services, and other appurtenant items required by the plans and specifications. Construction of the supplementary intake pump station building and installation of the pumps, piping and electrical equipment will be performed, under Contract 1-2B, once the caisson, intake pipe and screen are installed. The proposed supplementary intake will be located adjacent to the existing intake on Renner Bay of Lake Sakakawea in Mercer county on U.S. Army Corps of Engineers property managed by the North Dakota Game and Fish Department.

Since the intake is located on the Corps of Engineers property, an easement and construction permit are required. The application was submitted to the Garrison Project office at Riverdale in October, 2012, the draft easement and the construction license were received in late July, 2013. The delay in receiving the draft easement was because the application was reviewed by the

Corps of Engineers Division and District offices to determine whether or not a surplus water supply storage agreement is required. The Department of Interior's Solicitor concluded that since the project is expressly authorized by congress pursuant to the provisions of the Reclamation law, a Corps surplus water storage agreement is not required for withdrawals from Lake Sakakawea.

The construction permit and easement were also delayed pending finalization of the provisions for protection of threatened and endangered species that result in a restricted construction season from September through April, particularly for activity on or near the shoreline including diver operations in the water. Following multiple meetings with the Corps of Engineers, the U. S. Fish and Wildlife Service, and the Bureau of Reclamation, approval was granted to proceed with construction at the caisson location year round. The construction activity at the shoreline and water will be dependent on the presence or absence of the birds, which will be surveyed by a biologist.

The supplementary intake has a nominal design capacity of 7,000 gallons per minute, but the intake screen is specified with a capacity of 10,000 gallons per minute at 1/2 feet per second. The bid form included a base bid for 30-inch outside diameter (OD) steel pipe, a 36-inch OD high density polyethylene (HDPE) transition pipe to be exposed to the water, and a 42-inch diameter screen structure. Bid Alternate 1 substituted a 36-inch OD HDPE pipe for the 30-inch steel pipe in base bid. Bid Alternate 2 substituted a 36-inch OD steel pipe for the 30-inch steel pipe and a 42-inch OD HDPE transition pipe in the base bid. Bid Alternate 3 substituted a 42-inch OD HDPE pipe for the 30-inch steel pipe in the base bid. Contractors and sub-contractors were required to pre-qualify for the caisson design and construction, intake pipe installation, and the diver services under Contract 1-2A. The estimated construction cost for Contract 1-2A is \$12-15 million. Contract 1-2A has a completion date of November 30, 2014.

On August 9, 2013, bid packages were opened for Southwest Pipeline Project Contract 1-2A, Supplementary Raw Water Intake Caisson, Intake Pipe and Screen. Three bids packages were received for Contract 1-2A, all bids appeared in order, and all bid packages were opened. The apparent low bid of \$12,978,000 was from James W. Fowler Company, Dallas, OR, a micro-tunneling contractor, for the 30-inch steel intake pipe under the base bid. The low bid of \$12,994,000 for the larger intake pipe was also from James W. Fowler Company for the 36-inch steel pipe under the base bid with Alternate 2, which is \$16,000 more than the low base bid.

The contract documents allow the State Water Commission to select the most advantageous bid. Based on the project engineer's review, the bid received from James W. Fowler Company in the amount of

\$12,994,000 for base bid and Alternate 2 appeared to be in accordance with the advertisement for construction and the bid documents, and is considered to be a responsive bid. It was the recommendation of the project engineer to award Contract 1-2A to James W. Fowler Company, Dallas, OR. The award of the contract and the notice to proceed are dependent on the satisfactory completion and submission of the contract documents by James W. Fowler Company, technical review, and review/approval by the Commission's legal counsel.

The contract will be funded from the 2013-2015 biennium State Water Commission allocation to the Southwest Pipeline Project (H.B. 1020).

It was the recommendation of Secretary Sando that the State Water Commission approve an allocation not to exceed \$12,997,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020) for the Southwest Pipeline Project; and approve the award of Southwest Pipeline Project Contract 1-2A, Supplementary Raw Water Intake Caisson, Intake Pipe and Screen, to James W. Fowler Company, Dallas, OR, based on the base bid with Bid Alternate 2, in the amount of \$12,997,000.

It was moved by Commissioner Swenson and seconded by Commissioner Goehring that the State Water Commission approve an allocation not to exceed \$12,997,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020) for the Southwest Pipeline Project; and approve the award of Southwest Pipeline Project Contract 1-2A, Supplementary Raw Water Intake Caisson, Intake Pipe and Screen, to James W. Fowler Company, Dallas, OR, based on the base bid with Bid Alternate 2, in the amount of \$12,997,000. This action is contingent upon on the satisfactory completion and submission of the contract documents by James W. Fowler Company, technical review, and review/approval by the Commission's legal counsel.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Swenson, Thompson, Vosper, and Governor Dalrymple voted aye. There were no nay votes. Governor Dalrymple announced the motion unanimously carried.

**APPROVAL OF 2013 LEGISLATIVE
EARMARK (\$250,000) TO USDA-APHIS-
NORTH DAKOTA WILDLIFE SERVICE
TO SUPPORT THE WILDLIFE
SERVICES PROGRAM
(SWC Project No. 1986)**

The 2013 North Dakota Legislature mandated legislative intent in House Bill 1009, Section 4 of the North Dakota Department of Agriculture's appropriation bill for the 2013-2015 biennium "includes the sum of \$250,000 which the state water commission shall transfer to

the agriculture commissioner for the wildlife services program for the biennium beginning July 1, 2013 and ending June 30, 2015" for the administration and support of animal control/beaver management in order to restore normal water flows in rivers, streams, and creeks. The cooperative agreement is between the North Dakota Department of Agriculture, North Dakota Game and Fish Department, North Dakota State Water Commission, and the United States Department of Agriculture Animal and Plant Health Inspection Wildlife Services.

It was the recommendation of Secretary Sando that the State Water Commission approve an allocation not to exceed \$250,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), to USDA-APHIS-North Dakota Wildlife Service to support the wildlife services program.

It was moved by Commissioner Thompson and seconded by Commissioner Foley that the State Water Commission approve an allocation not to exceed \$250,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), to USDA-APHIS-North Dakota Wildlife Service to support the wildlife services program. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Swenson, Thompson, Vosper, and Governor Dalrymple voted aye. There were no nay votes. Governor Dalrymple announced the motion unanimously carried.

**NORTH DAKOTA DEPARTMENT OF
HEALTH NONPOINT SOURCE
POLLUTION PROJECTS FOR
SECTION 319(H) FUNDING (\$200,000)
(SWC File ASHEA)**

A request from the North Dakota Department of Health was presented for the State Water Commission's consideration for state cost participation of \$200,000 for the 2013-2015 biennium for projects authorized under Section 319(h) of the federal Water Pollution

Act. The State Water Commission has approved state cost participation of \$200,000 for each of the past six bienniums.

The North Dakota Department of Health has coordinated with local organizations and state agencies to implement nonpoint source pollution projects that address water quality impacts from concentrated livestock feeding units. Through these projects, more than 100 livestock producers have received financial assistance to support engineering design costs for the most feasible manure management systems. Many of these producers have also received federal Section 319(h) cost share assistance to construct their systems. These manure-management systems are estimated to have prevented thousands of pounds of nitrogen and phosphorus from reaching lakes and streams, helping to protect and improve their beneficial uses.

It was the recommendation of Secretary Sando that the State Water Commission approve an allocation not to exceed \$200,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), to the North Dakota Department of Health for their Nonpoint Source Pollution Management program.

It was moved by Commissioner Goehring and seconded by Commissioner Vosper that the State Water Commission approve an allocation not to exceed \$200,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), to the North Dakota Department of Health to support the Nonpoint Source Pollution Management program. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

There being no additional business to come before the State Water Commission, Governor Dalrymple adjourned the audio telephone conference call meeting at 11:30 a.m.





Jack Dalrymple, Governor
Chairman, State Water Commission



Todd Sando, P.E.
North Dakota State Engineer,
and Chief Engineer-Secretary
to the State Water Commission

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